GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Registration & Stamps – Disciplinary proceedings initiated against Sri M.Hari Prasad, former Joint Sub Registrar-II, Registrar Office (Original Branch), Tirupathi, Chittoor District for Tampering of Government records and embezzlement of Government money – Disciplinary proceedings finalized – Imposed a punishment of withholding of two annual grade increments with cumulative effect – Suo-motu Review under Rule 40 of A.P.Civil Services (Classification, Control & Appeal) Rules, 1991 – Show Cause Notice issued – Representation submitted – Imposing the penalty of dismissal from service - Orders – Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Ms.No.415 **Dated:19-09-2017**

Read the following:

1) Charge Memo No.E/190/2012-1, dt.4.6.2012 issued by the DIG, R&S, Chittoor.
2) Explanation of Sri M.Hari Prasad, I/c Jt.SR-II, dt.6.7.2012.
3) Procgs.No.E/190/2012, dt.18.7.2012, issued by the DIG, R&S, Chitoor.
4) From District Registrar, Chittoor, Lr.No.RE/14/2012, dt.17.5.2013.
5) SCN No.E/190/2012, dt.16.12.2013 issued by the DIG, R&S, Chittoor.
6) Explanation of Sri M.Hari Prasad, I/c Jt.SR-II, dt.2.1.2014.
7) From the DIG, R&S, Chittoor, Lr.No.E/190/2012, dt.17.1.2014.
8) Govt. Memo No.23012/Vig.II(2)/2012-9, dt.13.10.2015.
9) Procgs. of the DIG, R&S, Chittoor, No.E/190/2012-1, dt.28.10.2015.
10) Procgs. of the DIG, R&S, Chittoor, No.E/190/2012-2, dt.18.2.2016.
11) From the DIG, R&S, Chittoor, Lr.No.E/190/2012, dt.19.2.2016.
12) Govt. Memo No. 23012/Vig.II(2)/2012-13&14, dt: 24.05.2016.
13) Representation of Sri M.Hari Prasad, Jt. SR-II, dated: 29.06.2016.
14) From Principal Secretary, APPSC, Lr.No.628/DC&C/1/2016, dt.26.8.2016.

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O R D E R :

In the reference 1st read above, the Deputy Inspector General, Registration & Stamps, Chittoor had initiated disciplinary proceedings against Sri M.Hari Prasad, I/c Joint Sub Registrar-II, Registrar Office (Original Branch), Tirupathi on the allegations of tampering of Government records and embezzlement of Government Money to a tune of Rs.5,05,825/- duly framing following articles of charge :

Charge:

"… colluded with Jt. SR-I and tampered official receipt bearing number 84, dt.5.3.2012 for Rs.9,45,700/- in respect of document No.P80/2012 issued in his office he has tampered the receipt with correction fluid on counterfoil (carbon copy/office copy) of cash receipt and corrected figures as 4,39,875/- and written in words by Sri M. Hari Prasad, Sr. Asst., I/c Jt. SR-II, RO(OB), Tirupati and helped Jt. SR-I in embezzlement of Govt. money to a tune of Rs.5,05,825/-.

2. The Charged Officer submitted his Written Statement of Defence vide reference 2nd read above. As it was not convincing, a regular enquiry was ordered by appointing District Registrar (Market Value & Audit) Chittoor as Regular Enquiry Officer vide reference 3rd read above. The Regular Enquiry Officer submitted his report in the reference 4th read above and held that Charge is not proved. The Disciplinary Authority i.e., the Deputy Inspector General, Registration & Stamps, Chittoor disagreed with the findings of the Regular Enquiry Officer and issued Show Cause Notice for his explanation vide reference 5th read above. The Charged Officer submitted his explanation vide reference 6th read above. The Disciplinary Authority after having examined the matter in detail, finally proposed to impose a major punishment of dismissal from service under rule 9 (x) of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 against the Charged Officer and requested the Government to obtain the advice of the Vigilance Commission as per Vigilance Scheme vide reference 7th read above.

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3. Government after careful examination of the proposal of the Disciplinary Authority have accepted the proposal of the Disciplinary Authority i.e the Deputy Inspector General, Registration & Stamps, Chittoor and requested him to take immediate necessary action accordingly under intimation to Government vide reference 8th read above.

4. Accordingly, the Deputy Inspector General, Registration & Stamps, Chittoor issued final orders dismissing Sri M. Hari Prasad, Sub Registrar from service vide reference 9th read above, but orders have not been served to the Delinquent Officer, as he was on leave and house was locked. Meanwhile, the Delinquent Officer filed OA No.6103/2015 before Hon'ble Andhra Pradesh Administrative Tribunal. The Hon'ble Andhra Pradesh Administrative Tribunal in its order dt.28.10.2015 directed the Deputy Inspector General, Registration & Stamps, Chittoor to consider all the material including the evidence produced during the enquiry and come to an independent decision on the penalty to be imposed strictly as per Rule 21(4) and (5) of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991. The Deputy Inspector General, Registration & Stamps, Chittoor filed WP No.1366/2016 before Hon'ble High Court against the orders of Hon'ble Andhra Pradesh Administrative Tribunal. The Hon'ble High Court dismissed the Writ Petition at admission stage, as it is devoid of any merits. Therefore, the Deputy Inspector General, Registration & Stamps, Chittoor has reviewed the previous orders of dismissal from service, keeping in view of the orders of Andhra Pradesh Administrative Tribunal and High Court and imposed a major penalty of withholding of (2) annual grade increment with cumulative effect against Sri M. Hari Prasad, Sub Registrar (Market Value & Audit), Chittoor (presently on leave) vide reference 10th read above and send the proceedings to the Government vide reference 11th read above.

5. And whereas, Government after going through the proceedings issued by the Deputy Inspector General with the material made available have observed that the punishment imposed by the Disciplinary Authority, i.e the Deputy Inspector General, Registration & Stamps, Chittoor is not commensurate with the gravity of the charges. Therefore, Government have decided to take up the case suo-motu review under Rule 40 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

6. Government after detailed examination of the matter, have observed that this is a clear case of misappropriation of Government money coupled with fabrication of records, the money was returned to Government only when it was detected, a criminal case filed and the Charged Officer was suspended. By no stretch of logic can it be called temporary misappropriation even the Regular Enquiry Officer called it so. He changed the amount in the counter file to Rs.4,39,875/- and remitted it; and misappropriated the balance Rs.5,05,825/- to himself. (The amount was remitted to Government account after 50 days only after he was suspended and a criminal case filed). The offence is quite grave and criminal case is also pending about it. Repayment of misappropriated amount is made after the case was detected and criminal complaint filed. Since, it is a very clear case of misappropriation, tampering with official money receipt, unauthorized collection of cash on behalf of the Government. Therefore, it has been decided to enhance the punishment imposed against Sri M.Hari Prasad, I/c Joint Sub Registrar-II, Registrar Office (Original Branch), by the Disciplinary Authority. In the reference 12th read above, the Delinquent Officer was directed to show cause as to why the punishment imposed against him by the Disciplinary Authority should not be enhanced and submit his representation to Government.

7. In the reference 13th read above, the Delinquent Officer submitted his representation stating that the entire scene in registration of alleged document was run by Joint Sub Registrar-I, Sri K. Ananda Reddy only and he is not at all responsible in this case. He wrote only neat and legible figures which had already altered by the Joint Sub Registrar-I, Sri K. Ananada Reddy. The Joint Sub Registrar-I, Sri K. Ananda Reddy in his letter dt.23.4.2012 addressed to the Deputy Inspector General, Registration & Stamps, Chittoor in page No.3 agreed that he corrected duplicate receipt in good faith without any bad intention and he also paid the amount of Rs.5,05,825/- to the Government. The Disciplinary Authority had also not

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proposed any penalty in his letter dt.12.3.2013, as the charges were held not proved in Regular Enquiry. Later the Disciplinary Authority has imposed a major penalty of withholding of 2 increments with cumulative effect, even though charges were not proved. Therefore he has requested the Government to kindly review the punishment imposed by the Deputy Inspector General and drop further action against him.

8. Government after careful examination of the matter have observed that there are no merits to consider the explanation of the Delinquent Officer therefore, it has been decided to impose a punishment of dismissal from service against the Delinquent Officer. The Andhra Pradesh Public Service Commission also agreed with the proposal of the Government in the reference 14th read above (Copy enclosed to the individual).

9. In G.O.Ms.No.2, General Administration (Spl-C) Department, dt.4.1.1999 read with G.O.Ms.No.458, General Administration (Ser.C) Department, dt.22.9.2009, Government directed that in all proved cases of misappropriation, bribery, bigamy, corruption, moral turpitude, forgery, etc., the penalty of dismissal from service shall be imposed.

10. And whereas, it is considered that the conduct of Sri M.Hari Prasad, I/c Joint Sub Registrar-II, Registrar's Office (Original Branch), Sri Balaji Registration District, Tirupathi, Chittoor, which has led to proved in Misappropriation case, is unworthy of a public servant and his further continuation in the public service is undesirable.

11. Now, therefore, in exercise of the powers conferred under Rule 40 read with clause (x) of Rule 9 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 and G.O.Ms.No.2, General Administration (Services-C) Department, dated 04-01-1999, Government hereby dismiss Sri M.Hari Prasad, I/c Joint Sub Registrar-II, Registrar's Office (Original Branch), Sri Balaji Registration District, Tirupathi, Chittoor, from Government service with immediate effect.

12. The Director and Inspector General of Registration and Stamps, Andhra Pradesh Vijayawada / the Deputy Inspector General, Registrations & Stamps, Chittoor shall take necessary further action accordingly and furnish the compliance report, to the Government, immediately.

13. The following Notification shall be published in the extraordinary issue of the Andhra Pradesh Gazette.

NOTIFICATION

"In exercise of the powers conferred under Rule 40 read with clause (x) of Rule 9 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 and G.O.Ms.No.2, General Administration (Services-C) Department, dated 04-01-1999, the Government of Andhra Pradesh hereby dismiss Sri M.Hari Prasad, I/c Joint Sub Registrar-II, Registrar's Office (Original Branch), Sri Balaji Registration District, Tirupathi, Chittoor, from Government service."

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To
The Individual (W.E).
(Through: the Deputy Inspector General, Registration & Stamps, Chittoor).
The Director & Inspector General, Registration & Stamps, Andhra Pradesh,
Eedupugallu, Vijayawada.
The Deputy Inspector General, Registration & Stamps, Chittoor.
Copy to
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.
Sf/Sc.

//FORWARDED:: BY ORDER//

SECTION OFFICER